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Confidence-building measures in the regional and subregional context

Report of the Secretary-General

Addendum**

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* A/67/150.
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II. Replies received from Governments

Azerbaijan

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General

Confidence- and security-building measures are valuable tools in fostering a common feeling of trust and security among States. The implementation of such measures should take place in a manner that ensures the right of each State to equal security, guaranteeing that no individual State or group of States obtains advantages over others.

Azerbaijan has taken consistent efforts at the multilateral and bilateral levels to ensure closer coordination and cooperation in the implementation of its respective obligations in the area of arms control, non-proliferation, disarmament and confidence- and security-building measures. As a participating State of the Organization for Security and Cooperation in Europe (OSCE), Azerbaijan regularly engages in information-sharing, submits reports and receives on-site inspections, evaluations and observation visits under the OSCE Vienna Document 2011 on Confidence- and Security-Building Measures, the Code of Conduct on Politico-Military Aspects of Security, the OSCE Document on Small Arms and Light Weapons, the OSCE Document on Principles Governing Conventional Arms Transfers, etc.

These confidence- and security-building measures, together with the existing arms control regimes, serve as a complementary tool in enhancing the level of security among States at the international, regional and subregional levels. It should be made clear that confidence- and security-building measures are not a static invention framed in a "one-size-fits-all" approach, but are a set of activities, whose geography, form and sphere of application vary, depending on the level of inter-State relations within certain regional and subregional contexts.

It is obvious that confidence- and security-building measures cannot be taken out of the overall political and security context, in particular when conflict situations are viewed as the possible area of application. Although it is recognized that arms control and confidence- and security-building measures had a positive influence on the overall political stability and security environment in the OSCE area, they nevertheless failed to effectively contribute in conflict situations, especially in the region of the South Caucasus. Albeit deplorable, this should have been quite an expected result, given, on the one hand, a stark contrast between the stated words and actual deeds on the ground by States and, on the other, a total absence of respect for those basic norms and principles of international law which guide inter-State relations. Therefore, confidence- and security-building measures can be effective only when there is a genuine commitment on the part of States to peace and stability, proved through concrete actions that enjoy confidence.

Obstacles to effective confidence- and security-building measures at the regional and subregional levels

General Assembly resolution 66/38 recalled the obligations of Member States to refrain from the threat or use of force and to settle their disputes by peaceful means. Consistent and wilful disregard for these and other international legal obligations undermines peace, security and stability in the region of the South Caucasus. Indeed, Armenia flagrantly violated the aforementioned obligations by using military force to occupy the territory of Azerbaijan, carry out ethnic cleansing there and establish on the occupied territory the ethnically constructed subordinate separatist entity. In its relevant resolutions adopted in 1993, the Security Council condemned the occupation of the territories of Azerbaijan, reaffirmed its sovereignty and the territorial integrity and inviolability of the internationally recognized borders, and demanded the immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan. The General Assembly and other international organizations have adopted a similar position. Unfortunately, none of the aforementioned resolutions has been implemented by Armenia.

Against this background, in gross violation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty), to which it is a party, Armenia continues building up its military presence in the occupied territories of Azerbaijan and has deployed there more than 40 well-equipped combat units with up to 350 battle tanks, 398 armoured combat vehicles, 425 artillery systems (calibre 100 mm and above) and about 45,000 military personnel. The total number of declared and undeclared Treaty-limited equipment and military personnel of Armenia on both the territory of Armenia and the occupied territories of Azerbaijan amounts to 481 battle tanks, 599 armoured combat vehicles, 718 artillery systems and 91,804 military personnel. It should be taken into account that, in accordance with the CFE Treaty, Armenia is allowed to hold on its territory only 220 battle tanks, 220 armoured combat vehicles and 285 artillery systems, whereas under the Concluding Act of the Negotiation on Personnel Strength of Conventional Forces in Europe, the armed forces of Armenia can have only up to 60,000 personnel. These figures give a clear picture as to the extent to which Armenia has exceeded its allowed limit under the CFE Treaty. Moreover, comparative analyses show that in correlation to its population, territory, annual budget and gross domestic product, Armenia is the most militarized country of the South Caucasus, in terms of military expenditures, foreign military assistance, military personnel and quantity of procured armaments.

A number of other measures undertaken by Armenia with a view to consolidating the status quo of the occupation and the results of ethnic cleansing cause serious obstructions to the prospects of peace. Regular ceasefire violations and deliberate attacks by the armed forces of Armenia against Azerbaijani civilians and civilian objects have become more frequent and violent in recent times, resulting in the killing and maiming of many inhabitants residing near the front line. It is also notable that, on a number of occasions, such attacks and other provocative actions have coincided with the intensification of peace efforts.

Furthermore, the forcible displacement of hundreds of thousands of Azerbaijanis from the occupied territories, the refusal to permit their return, uninterrupted attempts to alter the demographic balance, the destruction and appropriation of Azerbaijani historical and cultural heritage and other illegal

activities carried out in the occupied territories can in no way contribute to building confidence, overcoming mistrust and bringing a negotiated solution closer. In addition, the undisguised promotion by the leadership of Armenia of the odious ideas of racial superiority, ethnic and religious incompatibility and hatred towards Azerbaijan and other neighbouring nations, as well as the open incitement of the youth and future generations in Armenia to new wars and violence, pose a serious threat to regional and international peace, security and stability and require the constant attention and reaction of the United Nations and the broader international community.

It is clear that any regional cooperation involving Armenia will be beyond reach unless that State demonstrates in deeds its constructiveness regarding a negotiated settlement of the conflict resulting in respect for international law and an end to the occupation of the territories of Azerbaijan.

It should also be remembered that the most serious crimes of concern to the international community have been committed in the course of the aggression of Armenia against Azerbaijan. Therefore, efforts aimed at ending impunity are essential for ensuring sustainable peace, truth, reconciliation, the rights and interests of victims and the well-being of society at large. Azerbaijan is confident that sustained measures undertaken at the national level, together with the existing legal foundations for the judicial prosecution and punishment of serious international crimes, will help to bring to justice all those responsible for committing such crimes against Azerbaijani civilians, provided, inter alia, that their authors will be unable to shelter themselves behind their official position in order to be freed from punishment in appropriate proceedings.

Azerbaijan sincerely believes that there is no alternative to the rule of law, justice, peace, stability and mutually beneficial regional cooperation and, in close cooperation with its international partners, will continue doing its utmost to further contribute to that effect.

Portugal

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[16 July 2012]

Confidence-building measures are a key element in creating and maintaining peace and security at the regional and subregional levels. Because they increase transparency, confidence-building measures are an important factor in preventing conflicts and stabilizing regions where conflicts already exist.

At the national level, Portugal annually publishes its military budget, which is also available to non-governmental organizations and think tanks, such as the Stockholm International Peace Research Institute.

Portugal strongly supports confidence-building measures, as adopted by the United Nations and its agencies.

As a member State of the Organization for Security and Cooperation in Europe (OSCE), Portugal is also politically bound by the measures put in place under the Vienna Document and other documents adopted by that regional organization.

In addition, Portugal makes available national data on the export of small arms and conventional weapons, which it submits to the United Nations, the OSCE, the European Union and the Wassenaar Arrangement secretariat. Widely available publications include such data, including the annual report of the European Union on exports of military technology and equipment.

Moreover, with regard to the export of weapons, Portugal fully complies with European Union Council Common Position 2008/944/CFSP, which sets forth common rules for all member States. Those rules include respect for international and regional embargoes, regional stability and, especially, human rights.